

1 IN THE UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF TEXAS

3 EL PASO DIVISION

4 UNITED STATES OF AMERICA) No. EP-07-CR-1965-PRM
5 vs-) El Paso, Texas
6 REY ORTIZ) January 11, 2008

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11 GUILTY PLEA
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14 A P P E A R A N C E S:

15 FOR THE GOVERNMENT: MR. ADRIAN GALLEGOS
16 Assistant United States Attorney
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El Paso, Texas 79901

18 FOR THE DEFENDANT: MR. MARGARITO RODRIGUEZ
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20 The above-styled and numbered cause came on for
21 hearing before the Honorable Philip R. Martinez in Courtroom 2,
22 United States Courthouse, El Paso, Texas.

23 Proceedings reported by mechanical shorthand.

24 Transcript produced by computer.
25

MICHAEL P. NOBLES, CSR

(MS. R. GRAFFOS-WORRELL INTERPRETED FROM SPANISH TO ENGLISH.)

DEPUTY CLERK: Cause Number EP-07-CR-2966, the
United States versus Santos Lopez-Garay.

EP-07-CR-2294, the United States versus Roberto Ojeda.

EP-07-CR-2377, the United States versus Daniel
Contreras.

EP-07-CR-2924, the United States versus Jaime Leonel
Morales-Espinoza.

EP-07-CR-2740, the United States versus Mario
Delgado-Martinez.

EP-07-CR-1965, the United States versus Rey Ortiz.

EP-07-CR-2919, the United States versus Jose Armando
Bueno-Cruz.

And EP-07-CR-1624, the United States versus Cesar
Castillo.

Please raise your right hand.

(DEFENDANTS SWORN.)

DEFENDANT-CONTRERAS: Yes.

DEFENDANT-ORTIZ: Yes.

DEFENDANT-CASTILLO: Yes.

INTERPRETER: Yes, by all needing the interpreter.

THE COURT: Thank you. And you may lower your hands.
Announcements, please.

MR. GALLEGOS: Good morning, Judge. Adrian Gallegos
for the United States in all cases. Ready.

1 THE COURT: Thank you. Good morning.

2 MR. DEKOATZ: Good morning, Your Honor. Matthew
3 Dekoatz for Santos Lopez-Garay. Ready, sir.

4 THE COURT: Thank you. Good morning.

5 MS. BERTON: Good morning, Your Honor. Anne Berton on
6 behalf of Roberto Ojeda. We are not ready, Your Honor. The
7 marshals took him to the hospital this morning.

8 THE COURT: Okay. We'll get that rescheduled. Was
9 that a previously-scheduled appointment or...

10 MS. BERTON: It was, Your Honor. I called the
11 marshals, and they were going to take him this afternoon, but
12 somehow there was a mixup, and the jail took him in the
13 morning, so...

14 THE COURT: Okay. Is there a certain day of the week
15 that he doesn't have treatment?

16 MS. BERTON: Tuesdays and Thursdays he doesn't. He
17 does go on Monday, Wednesday, and Friday.

18 THE COURT: Okay. We will try to get it set for next
19 Tuesday, then.

20 MS. BERTON: Okay.

21 THE COURT: You are moving for a pass?

22 MS. BERTON: Yes, Your Honor.

23 THE COURT: And, given the unavailability of the
24 Defendant, the time is excludable. We will set it for next
25 Tuesday, then.

1 MS. BERTON: Thank you, Your Honor.

2 THE COURT: Thank you, Ms. Berton.

3 MS. BERTON: May I be excused?

4 THE COURT: Yes, ma'am.

5 MS. SALOME-SMITH: Good morning. Kathleen
6 Salome-Smith appearing on behalf of Daniel Contreras. We are
7 also ready to proceed with the plea pursuant to a Plea
8 Agreement.

9 THE COURT: Thank you. Good morning.

10 MR. CALHOUN: John Calhoun for Jaime Morales-Espinoza.
11 We're ready.

12 THE COURT: Is that plea to the Indictment?

13 MR. CALHOUN: Yes, it is.

14 THE COURT: Okay. Thank you.

15 MS. ROMERO-MARTINEZ: Good morning, Your Honor. Marie
16 Romero-Martinez for Mr. Delgado-Martinez. We're ready to plead
17 pursuant to a Plea Agreement.

18 THE COURT: Thank you. Good morning to you.

19 MR. TREJO: Good morning, Your Honor. Reggie Trejo
20 for Mr. Bueno-Cruz. We're ready.

21 THE COURT: Good morning, Mr. Trejo.

22 MR. BAKER: Good morning, Judge. Duane Baker here for
23 Mr. Castillo, and we're ready.

24 THE COURT: Thank you. Good morning.

25 MR. RODRIGUEZ: Judge Martinez, Margarito Rodriguez on

1 behalf of Mr. Rey Ortiz. He's here to plead guilty to Count 1
2 of the Indictment pursuant to a Plea Agreement, Your Honor.

3 THE COURT: Thank you.

4 And are you Mr. Ortiz?

5 DEFENDANT-ORTIZ: Yes, sir.

6 THE COURT: Okay. It's unusual to see you so far
7 away. But, you know, it's a free country, so you may stand
8 where you wish.

9 Good morning to the eight of you -- or seven of you.
10 You are here because your lawyer has let me know that you would
11 like to enter a plea of guilty to one or to more counts of an
12 Indictment or an Information that has been filed in your case.

13 We'll eventually get to the part of the hearing where
14 you have the opportunity to enter a plea of your choice. There
15 are numerous questions I have to ask of you before I get to
16 that part of the hearing, because I'm required to determine for
17 myself, based upon the responses you give to questions which I
18 ask, whether I believe your plea is being entered today freely
19 and voluntarily on the one hand, and knowingly on the other.
20 And so I want to get a little bit more familiar with you, in
21 order to make the first determination.

22 And then I'll be providing you with information,
23 hopefully which you are aware of because you have had the
24 chance to visit with your lawyer, and ask if you understand the
25 information I'm sharing with you relative to the consequences

1 of pleading guilty.

2 All of the questions today I'll try to make as simple
3 as possible. But once in a while they get confusing, or once
4 in a while you may forget it. And so if you have either
5 forgotten the question, you didn't understand it, you want it
6 repeated, whatever the case may be, let me know. I want to
7 make sure that when you answer a question it is your truthful
8 response.

9 The only way to get into trouble at today's hearing is
10 if you were to provide me with a response that you knew was
11 incorrect. Then you would be in violation of the oath that you
12 just took by raising your hand and promising to tell the truth,
13 and you could possibly be prosecuted for another crime. And
14 so, of course, that would not be in your best interest.
15 Hopefully, if you understand the question you'll provide me
16 with a truthful response, and we'll move on.

17 Part of the hearing this morning is going to be
18 individual in nature. I'll talk to each of you individually.
19 We'll then get to a part of the hearing where it's easier for
20 me to ask the question once, and then simply call you by your
21 last name and ask for your verbal response. And when you
22 respond to my questions, whether you are responding in English
23 or in Spanish, please respond loudly enough so that I can hear
24 you.

25 If you are wearing a headset today, you are going to

1 be assisted by Ms. Graffos, who will translate everything that
2 I say in English into Spanish for your benefit, and everything
3 that you say in Spanish into English for the benefit of the
4 record. And I will need your help. The first assistance I'm
5 going to need is I'm going to ask that you always respond in
6 Spanish. Even if you understand a little bit of English, even
7 if you find it easier to simply say yes or no, please respond
8 in Spanish because, that way, Ms. Graffos will be the person
9 who provides the English translation, and my court reporter
10 won't have to be bouncing between you and the court interpreter
11 to figure out who is providing the English response. So please
12 respond in Spanish.

13 Secondly, once in a while the equipment fails. And if
14 it does fail at the hearing, and you are unable to hear what is
15 being translated over the earphones, please let me know
16 immediately, so that we can provide you with equipment that
17 works correctly.

18 This is a very important hearing. It will have
19 consequences in your life. I want to make sure that each of
20 you understands exactly what is going on at the hearing today.

21 Please do not wait until the end of the hearing to
22 tell me that the headset stopped working, oh, 15 minutes ago,
23 because then I have to start all over again, and it just isn't
24 real efficient. So if you'll tell me immediately, we'll stop
25 the hearing, and I'll get you some new equipment, and we'll

1 just pick up exactly where we are.

2 Please know you do not have to plead guilty. Even if
3 you and your lawyer have discussed the case, and even if you
4 were at some point comfortable with the idea of pleading
5 guilty, it is okay if you want to change your mind. In fact,
6 if you want to change your mind, there is no better time than
7 the present.

8 Mr. Bueno, are you able to hear?

9 DEFENDANT-BUENO: Yes.

10 THE COURT: Okay. Great.

11 If you plead guilty today, and if I accept your plea
12 of guilty, you are forever waiving, or giving up, your right to
13 contest the charges. That means you will never have a trial,
14 whether it be before a judge or a jury. So that is important
15 in and of itself.

16 For those of you who plead guilty, and for whom I
17 accept your plea of guilty, the next setting will be your
18 sentencing, and that usually takes place a good 60 to 90 days
19 down the road.

20 In the event that you have a reservation about
21 pleading guilty, you are a little bit uncomfortable, you're not
22 too sure what you want to do, it is probably better, I think,
23 to plead not guilty, to get a trial date, and that will give
24 you a little bit more time to think about what you wish to do.

25 Now, there are deadlines that have to be complied

1 with, so that you can secure the full benefit of acceptance of
2 responsibility. That's something you and your lawyer can
3 discuss, certainly. But you should not plead guilty if you
4 have any reservation about pleading guilty.

5 If you do plead not guilty, then the next setting, of
6 course, would be your trial. And that could be before the
7 judge or the jury, as I explained.

8 In the event that you believe you are innocent, you
9 should never plead guilty. In the event that you believe you
10 have a defense that you would like a judge or a jury to
11 consider, you should not plead guilty. The only reason to ever
12 plead guilty is if you are guilty. I cannot stress that
13 strongly enough. I've had very good lawyers -- very good
14 lawyers, after the fact, come in and tell me that, "Judge, you
15 know, you can admonish them and you can tell them, but they are
16 ultimately going to do what their attorney says."

17 I am telling you today, do not plead guilty if you are
18 not guilty. Because if you plead guilty, and if I accept your
19 plea of guilty and we adjourn the hearing today, you walk out
20 of here and I go about my business, and then later tonight or
21 two weeks from now or when you get the sentencing report, or
22 three months from now you want to change your mind and change
23 your plea, it is always possible for your lawyer to file a
24 piece of paper called a motion to withdraw a plea of guilty,
25 but it is a very difficult motion to have granted.

1 So please feel comfortable with what you are doing.
2 Hopefully, you have had enough time to review the charges, you
3 have had enough time to visit with your lawyer, you understand
4 what the Government's evidence is in the case, you understand
5 what the options are which are available. Please, please, do
6 not plead guilty unless you are guilty.

7 Finally, because this hearing is very important, I do
8 want you to know that at any time during the hearing you
9 certainly have the right to visit with your attorney. If you
10 want to take a break and visit with your attorney in private,
11 that certainly is going to be something that we will
12 accommodate you with. All you need to do is let your lawyer
13 know. Your lawyer will bring it to my attention. I, in turn,
14 will recess your individual hearing, continue with all of the
15 other hearings, hopefully finish those, and then we'll come
16 back and figure out exactly how you wish to proceed.

17 With that, I think I've covered everything that I need
18 to cover at this point. Let me go ahead and start with some
19 individual questions. I'll begin over here on my left-hand
20 side.

21 And, sir, are you the Defendant in this case, Santos
22 Lopez-Garay?

23 DEFENDANT-LOPEZ: Yes.

24 THE COURT: Mr. Lopez, how old are you, sir?

25 DEFENDANT-LOPEZ: I'm 43 years old.

1 THE COURT: Are you single, married, or in a
2 common-law relationship?

3 DEFENDANT-LOPEZ: Common-law relationship.

4 THE COURT: And, sir, do you have children?

5 DEFENDANT-LOPEZ: Yes, one child.

6 THE COURT: And what is the age of your child?

7 DEFENDANT-LOPEZ: He's four months old.

8 THE COURT: How many years of education have you
9 completed, sir?

10 DEFENDANT-LOPEZ: Two years.

11 THE COURT: And where did you go to school? What
12 state or country?

13 DEFENDANT-LOPEZ: Tamaulipas, Mexico.

14 THE COURT: Thank you. And I'll be back with you in
15 just a little bit.

16 Mr. Contreras, good morning to you. Are you Daniel
17 Contreras?

18 DEFENDANT-CONTRERAS: Yes, sir.

19 THE COURT: And, sir, is that your true and correct
20 and your full and complete name?

21 DEFENDANT-CONTRERAS: Yes, sir.

22 THE COURT: You are out on bond. Let me go ahead and
23 get Mr. Gabaldon to give me a bond report on anyone who is out
24 on bond.

25 PRETRIAL: Good morning, Your Honor.

1 THE COURT: Good morning.

2 PRETRIAL: Steven Gabaldon here in the case of
3 Mr. Daniel Contreras, Your Honor, and Mr. Cesar Castillo.

4 Mr. Contreras is doing well on bond. He has no
5 violations. He did submit a urine specimen the second day that
6 he was released on bond that tested positive for marijuana, but
7 we believe that that was marijuana used prior to his arrest, so
8 that no --

9 THE COURT: Residual?

10 PRETRIAL: Yes.

11 THE COURT: Okay.

12 PRETRIAL: And Mr. Cesar Castillo has been compliant
13 with all of the conditions, Your Honor. We recommend that they
14 both be allowed to remain on bond.

15 THE COURT: Thank you. I appreciate your help. You
16 are welcome to stay, but you are free to leave, if you choose
17 to do that.

18 Mr. Contreras, Daniel Contreras, you told me, was your
19 true and correct and your full and complete name, sir?

20 DEFENDANT-CONTRERAS: Yes, sir.

21 THE COURT: Mr. Contreras, how old are you?

22 DEFENDANT-CONTRERAS: 30.

23 THE COURT: Are you single, married, or in a
24 common-law relationship?

25 DEFENDANT-CONTRERAS: Married.

1 THE COURT: And do you have children, sir?

2 DEFENDANT-CONTRERAS: Two.

3 THE COURT: And what are the ages of your two
4 children?

5 DEFENDANT-CONTRERAS: Five and six.

6 THE COURT: How many years of education have you
7 completed?

8 DEFENDANT-CONTRERAS: The 10th grade high school.

9 THE COURT: And where did you attend high school?

10 DEFENDANT-CONTRERAS: Santa Teresa High School, Santa
11 Teresa, New Mexico.

12 THE COURT: And have you ever received your GED?

13 DEFENDANT-CONTRERAS: No.

14 THE COURT: And, sir, are you a citizen of the
15 United States?

16 DEFENDANT-CONTRERAS: Yes, sir.

17 THE COURT: Okay. And I'll be back with you in just a
18 little bit.

19 Mr. Morales, good morning to you. Are you Jaime
20 Leonel Morales-Espinoza?

21 DEFENDANT-MORALES: Yes.

22 THE COURT: Mr. Morales, is that your true and correct
23 and your full and complete name?

24 DEFENDANT-MORALES: Yes.

25 THE COURT: Mr. Morales, how old are you, sir?

1 DEFENDANT-MORALES: 31.

2 THE COURT: Are you single, married, or in a
3 common-law relationship?

4 DEFENDANT-MORALES: Divorced.

5 THE COURT: Do you have children?

6 DEFENDANT-MORALES: Two.

7 THE COURT: What are the ages of your two children?

8 DEFENDANT-MORALES: 12 and 7.

9 THE COURT: And do your children reside with you or
10 with their mother?

11 DEFENDANT-MORALES: With their mother.

12 THE COURT: How many years of education have you
13 completed, sir?

14 DEFENDANT-MORALES: 12.

15 THE COURT: Mr. Morales, where did you go to school?

16 DEFENDANT-MORALES: Chihuahua.

17 THE COURT: And is that Chihuahua City in Chihuahua,
18 the state of Chihuahua?

19 DEFENDANT-MORALES: Correct.

20 THE COURT: Okay. And, sir, are you a citizen of the
21 United States?

22 DEFENDANT-MORALES: No.

23 THE COURT: Thank you. And I'll be back on your case
24 in just a little bit.

25 Mr. Delgado, are you Mario Delgado-Martinez?

1 DEFENDANT-DELGADO: Yes.

2 THE COURT: Is that your true and correct and your
3 full and complete name?

4 DEFENDANT-DELGADO: Yes.

5 THE COURT: Mr. Delgado, how old are you?

6 DEFENDANT-DELGADO: 38.

7 THE COURT: Are you single, married, or in a
8 common-law relationship?

9 DEFENDANT-DELGADO: Divorced.

10 THE COURT: And do you have children?

11 DEFENDANT-DELGADO: Yes.

12 THE COURT: How many do you have, sir?

13 DEFENDANT-DELGADO: Four.

14 THE COURT: What are the ages of your four children?

15 DEFENDANT-DELGADO: I have two girls who are 9 years
16 old. They twins. One is 20, and one is 18 years old.

17 THE COURT: How many years of education have you
18 completed, sir?

19 DEFENDANT-DELGADO: Six.

20 THE COURT: Where did you attend your classes?

21 DEFENDANT-DELGADO: In Juarez, Chihuahua.

22 THE COURT: And, sir, are you a citizen of the
23 United States?

24 DEFENDANT-DELGADO: No.

25 THE COURT: And the children, do they reside with you

1 or with their mother?

2 DEFENDANT-DELGADO: With their mother.

3 THE COURT: Thank you. I'll be back on your case.

4 Mr. Ortiz, are you Rey Ortiz?

5 DEFENDANT-ORTIZ: Yes, sir.

6 THE COURT: And is that your true and correct and your
7 full and complete name?

8 DEFENDANT-ORTIZ: Yes, sir.

9 THE COURT: Mr. Ortiz, how old are you, sir?

10 DEFENDANT-ORTIZ: 33.

11 THE COURT: And, let's see. Are you single, married,
12 or in a common-law relationship?

13 DEFENDANT-ORTIZ: I'm common-law.

14 THE COURT: Okay. And do you have children?

15 DEFENDANT-ORTIZ: I have one that is mine, and then I
16 have four with her.

17 THE COURT: Okay. And the one that's yours is how
18 old?

19 DEFENDANT-ORTIZ: She's 15.

20 THE COURT: 15. And then you have four with the lady
21 with whom you have a common-law relationship. And what are --
22 how old are -- what are the ages of those four children?

23 DEFENDANT-ORTIZ: 25, 22, 15, and 14.

24 THE COURT: And the 15-year-old, does that child
25 reside with her mother?

1 DEFENDANT-ORTIZ: Yeah, in Phoenix.

2 THE COURT: Okay. And the other four reside with you
3 and your common-law spouse?

4 DEFENDANT-ORTIZ: Yes, sir.

5 THE COURT: Okay. How many years of education have
6 you completed, sir?

7 DEFENDANT-ORTIZ: 11.

8 THE COURT: Where did you attend your classes?

9 DEFENDANT-ORTIZ: I went to Bowie High School.

10 THE COURT: And...

11 DEFENDANT-ORTIZ: I have a GED.

12 THE COURT: You do have a GED? Okay. Great.

13 Sir, are you a citizen of the United States?

14 DEFENDANT-ORTIZ: Yes, sir.

15 THE COURT: Okay. Thank you. And I'll be back with
16 you in just a little bit.

17 Mr. Bueno, good morning. Are you Jose Armando
18 Bueno-Cruz?

19 DEFENDANT-BUENO: Yes.

20 THE COURT: Mr. Bueno, how old are you?

21 DEFENDANT-BUENO: 37.

22 THE COURT: Are you single, married, or in a
23 common-law relationship?

24 DEFENDANT-BUENO: Married.

25 THE COURT: Do you have children?

1 DEFENDANT-BUENO: Three.

2 THE COURT: And the ages of your children?

3 DEFENDANT-BUENO: 10, 14, and 17.

4 THE COURT: How many years of education have you
5 completed, sir?

6 DEFENDANT-BUENO: 12.

7 THE COURT: Where did you attend your classes?

8 DEFENDANT-BUENO: Ciudad Juarez.

9 THE COURT: And, sir, are you a citizen of the
10 United States?

11 DEFENDANT-BUENO: No.

12 THE COURT: Thank you. And I'll be back with you in
13 just a little bit.

14 Mr. Castillo, good morning. Are you Cesar Castillo?

15 DEFENDANT-CASTILLO: Yes, sir.

16 THE COURT: Is that your true and correct and your
17 full and complete name?

18 DEFENDANT-CASTILLO: Yes, sir.

19 THE COURT: Mr. Castillo, how old are you, sir?

20 DEFENDANT-CASTILLO: 30.

21 THE COURT: Are you single, married, or in a
22 common-law relationship?

23 DEFENDANT-CASTILLO: Single, sir.

24 THE COURT: Do you have children?

25 DEFENDANT-CASTILLO: No, sir.

1 THE COURT: How many years of education have you
2 completed?

3 DEFENDANT-CASTILLO: 12.

4 THE COURT: Where did you go to school?

5 DEFENDANT-CASTILLO: San Elizario High School.

6 THE COURT: Do you have any post high school
7 education? Community college, training courses?

8 DEFENDANT-CASTILLO: One year of community college.

9 THE COURT: Okay. And are you a citizen of the
10 United States?

11 DEFENDANT-CASTILLO: Yes, sir.

12 THE COURT: Okay.

13 All right. Let me switch gears. I'm going to start
14 with the questions where I ask a question, and then I'll call
15 you by your last name. And usually I'll go left to right or
16 right to left. The only favor I would ask of you is that you
17 be careful that you don't simply repeat the answer that the
18 person standing next to you just provided. Make sure that the
19 answer that you provide to me is a truthful answer in your
20 case.

21 Again, if you have questions about the question
22 itself, you can stop me and ask me to repeat. I'll be glad to
23 repeat it, rephrase it, or try to make it a little bit clearer
24 for you.

25 Let's talk about your health at this time. Are you in

1 good physical health at this time?

2 Mr. Castillo?

3 DEFENDANT-CASTILLO: Yes, sir.

4 THE COURT: Mr. Bueno?

5 DEFENDANT-BUENO: Yes.

6 THE COURT: Mr. Ortiz?

7 DEFENDANT-ORTIZ: Yes, sir.

8 THE COURT: Mr. Delgado?

9 DEFENDANT-DELGADO: Yes, sir.

10 THE COURT: Mr. Morales?

11 DEFENDANT-MORALES: Yes, sir.

12 THE COURT: Mr. Contreras?

13 DEFENDANT-CONTRERAS: Yes, sir.

14 THE COURT: Mr. Lopez?

15 DEFENDANT-LOPEZ: Yes, sir.

16 THE COURT: Let's talk about your mental health. Are
17 you in good mental health at this time?

18 Mr. Lopez?

19 DEFENDANT-LOPEZ: Yes, sir.

20 THE COURT: Mr. Contreras?

21 DEFENDANT-CONTRERAS: Yes, sir.

22 THE COURT: Mr. Morales?

23 DEFENDANT-MORALES: Yes.

24 THE COURT: Mr. Delgado?

25 DEFENDANT-DELGADO: Yes.

1 THE COURT: Mr. Ortiz?

2 DEFENDANT-ORTIZ: Yes, sir.

3 THE COURT: Mr. Bueno?

4 DEFENDANT-BUENO: Yes, sir.

5 THE COURT: Mr. Castillo?

6 DEFENDANT-CASTILLO: Yes, sir.

7 THE COURT: As you stand here in court today, are you
8 presently under the influence of any kind of drug or alcohol or
9 medication?

10 Mr. Castillo?

11 DEFENDANT-CASTILLO: No, sir.

12 THE COURT: Mr. Bueno?

13 DEFENDANT-BUENO: No, sir.

14 THE COURT: Mr. Ortiz?

15 DEFENDANT-ORTIZ: No, sir.

16 THE COURT: Mr. Delgado?

17 DEFENDANT-DELGADO: No, sir.

18 THE COURT: Mr. Morales?

19 DEFENDANT-MORALES: No.

20 THE COURT: Mr. Contreras?

21 DEFENDANT-CONTRERAS: No, sir.

22 THE COURT: Mr. Lopez?

23 DEFENDANT-LOPEZ: No.

24 THE COURT: Have you ever been treated for a
25 dependency to any kind of narcotic drug in the past, or any

1 kind of substance such as alcohol.

2 Mr. Lopez?

3 DEFENDANT-LOPEZ: No.

4 THE COURT: Mr. Contreras?

5 DEFENDANT-CONTRERAS: No, sir.

6 THE COURT: Mr. Morales?

7 DEFENDANT-MORALES: No, sir.

8 THE COURT: Mr. Delgado?

9 DEFENDANT-DELGADO: No, sir.

10 THE COURT: Mr. Ortiz?

11 DEFENDANT-ORTIZ: No, sir.

12 THE COURT: Mr. Bueno?

13 DEFENDANT-BUENO: No, sir.

14 THE COURT: Mr. Castillo?

15 DEFENDANT-CASTILLO: No, sir.

16 THE COURT: Have you ever been treated by a
17 psychiatrist, a psychologist, or a mental health counselor in
18 the past?

19 Mr. Castillo?

20 DEFENDANT-CASTILLO: No, sir.

21 THE COURT: Mr. Bueno?

22 DEFENDANT-BUENO: No, sir.

23 THE COURT: Mr. Ortiz?

24 DEFENDANT-ORTIZ: No, sir.

25 THE COURT: Mr. Delgado?

1 DEFENDANT-DELGADO: No, sir.

2 THE COURT: Mr. Morales?

3 DEFENDANT-MORALES: No, sir.

4 THE COURT: Mr. Contreras?

5 DEFENDANT-CONTRERAS: No, sir.

6 THE COURT: Mr. Lopez?

7 DEFENDANT-LOPEZ: Yes, sir.

8 THE COURT: And, Mr. Lopez, when did you receive that
9 treatment, sir?

10 DEFENDANT-LOPEZ: About six months ago.

11 THE COURT: And were you hospitalized at the time or
12 were these conferences you had in an office?

13 DEFENDANT-LOPEZ: Conferences in an office.

14 THE COURT: And were you ever provided with a
15 diagnosis by the mental health provider?

16 DEFENDANT-LOPEZ: Not yet.

17 THE COURT: Okay. If mental health treatment is still
18 available, would you like to take part in that?

19 DEFENDANT-LOPEZ: Yes.

20 THE COURT: Have you ever had to take medication as a
21 result of any of the mental health treatment you received?

22 DEFENDANT-LOPEZ: Yes.

23 THE COURT: Do you know the name of the medication by
24 chance?

25 DEFENDANT-LOPEZ: No, I don't know what they are

1 called.

2 THE COURT: Were you ever told that you were suffering
3 from anxiety or depression?

4 DEFENDANT-LOPEZ: Yes. Depression, anxiety.

5 THE COURT: And was that the result of a certain
6 incident, or was that something that built up over time?

7 DEFENDANT-LOPEZ: Something had built up across time.

8 THE COURT: Have you had any difficulty communicating
9 with your lawyer in this case?

10 DEFENDANT-LOPEZ: No.

11 THE COURT: Have you understood the nature of the
12 charges that are pending in your case?

13 DEFENDANT-LOPEZ: Yes, sir.

14 THE COURT: Have you understood the options you have
15 available to you in responding to those charges?

16 DEFENDANT-LOPEZ: Yes.

17 THE COURT: Do you believe that you are mentally
18 competent to be able to participate in today's hearing and to
19 enter a plea in this case?

20 DEFENDANT-LOPEZ: Today, yes.

21 THE COURT: Well, I'm glad I got you on a good day.
22 But, generally, are you feeling okay?

23 DEFENDANT-LOPEZ: Well, certain times I'm a little
24 depressed.

25 THE COURT: Okay. But, right now, you understand the

1 questions that I'm asking you?

2 DEFENDANT-LOPEZ: Perfectly.

3 THE COURT: You are sure about your desire to enter a
4 plea in this case?

5 DEFENDANT-LOPEZ: Yes, sir.

6 THE COURT: Okay. And you have had plenty of time to
7 visit with your lawyer?

8 DEFENDANT-LOPEZ: Yes, sir.

9 THE COURT: Okay. Thank you.

10 Is there any reservation -- well, let me ask everyone
11 else the very same question I just asked Mr. Lopez.

12 Do you believe that you are mentally able to
13 participate in today's hearing and enter a plea?

14 Mr. Contreras?

15 DEFENDANT-CONTRERAS: Yes, Your Honor.

16 THE COURT: Mr. Morales?

17 DEFENDANT-MORALES: Yes.

18 THE COURT: Mr. Delgado?

19 DEFENDANT-DELGADO: Yes.

20 THE COURT: Mr. Ortiz?

21 DEFENDANT-ORTIZ: Yes, sir.

22 THE COURT: Mr. Bueno?

23 DEFENDANT-BUENO: Yes, sir.

24 THE COURT: Mr. Castillo?

25 DEFENDANT-CASTILLO: Yes, sir.

1 THE COURT: Okay.

2 Any reservations on the part of the attorneys with
3 respect to the competency of their client?

4 Mr. Baker?

5 MR. BAKER: No, Your Honor.

6 THE COURT: Mr. Trejo?

7 MR. TREJO: No, Your Honor.

8 THE COURT: Mr. Rodriguez?

9 MR. RODRIGUEZ: No, Your Honor.

10 THE COURT: Ms. Romero-Martinez?

11 MS. ROMERO-MARTINEZ: No, Your Honor.

12 THE COURT: Mr. Calhoun?

13 MR. CALHOUN: No, Your Honor.

14 THE COURT: Ms. Salome-Smith?

15 MS. SALOME-SMITH: No, Your Honor.

16 THE COURT: Mr. Dekoatz?

17 MR. DEKOATZ: After the very astute questioning of the
18 trial court, I'm not really sure, Judge. The only reason I say
19 that is because I'm doing an appeal right now, and the
20 Defendant was way over -- all over the place on the record. So
21 now he's claiming I'm ineffective for failing to get him an
22 exam.

23 And, even though I believe my client is competent
24 right now, I don't want to end up doing the same thing that I'm
25 writing about on this appeal. So I believe he's competent, but

1 out of the abundance of caution, if the Court believes that it
2 would be better to have him examined, Judge, out of the
3 abundance of caution, that's fine. But I do believe he's
4 competent today. I just don't want to get nailed on a writ for
5 not moving forward after he has answered your questions certain
6 ways, Judge.

7 Thank you.

8 THE COURT: Well, as I understand your comment, you
9 are not moving for it. Is that right?

10 MR. DEKOATZ: Well, I'm not, but I'm trying to pass
11 the buck back to the Court.

12 THE COURT: It doesn't stick real well, but you can
13 try.

14 MR. DEKOATZ: Yes, sir.

15 THE COURT: Mr. Gallegos, do you have any information
16 in your file that would give us a concern about the competency
17 of any of defendants?

18 MR. GALLEGOS: No to all, Your Honor.

19 THE COURT: Mr. Lopez, your lawyer, being the very
20 bright lawyer that he is, is concerned, given the information
21 that you provided to me about suffering periods of depression,
22 and has suggested that perhaps one of the things we might wish
23 to do is to have you visit with a doctor to make sure that you
24 are understanding everything that is going on and that you are
25 able to make a decision that is an informed decision in this

1 case.

2 Do you believe that you need to see a doctor so that
3 your lawyer and the Government and the Court can be fully
4 satisfied that you are, in fact, able to continue with this
5 hearing today?

6 DEFENDANT-LOPEZ: I would like to see a doctor so we
7 can all be aware and fully satisfied that everything is okay.

8 THE COURT: Okay. And, in light of that, do the
9 spirits move you to file a motion for a competency exam?

10 MR. DEKOATZ: If you would please grant me leave, out
11 of an abundance of caution. I'm really not trying to waste
12 your time, Your Honor.

13 THE COURT: No, I understand. That's fine. You know,
14 I'll be around for a long time, hopefully. So we'll be glad to
15 recess on this case.

16 Mr. Lopez, I'm going to go ahead and schedule a
17 doctor's appointment, hopefully with Dr. Briones, who is a
18 psychiatrist and fine doctor and gentleman, and he'll visit
19 with you and provide your lawyer and Mr. Gallegos and the Court
20 with a report based upon the evaluation. And, if he says
21 everything is okay, then we will go ahead and continue with
22 this hearing on another day, as soon as we get that report.
23 Okay?

24 We are in recess. Mr. Lopez, you can go ahead and
25 have a seat in the jury box, if you want to walk this way.

1 Mr. Dekoatz, you are excused, if you wish to be.

2 MR. DEKOATZ: Have a good weekend, sir.

3 THE COURT: Thank you. You do the same.

4 Mr. Velez, let me give you this.

5 Are you fully satisfied with all of the assistance
6 that you have received from your lawyer?

7 Mr. Contreras?

8 DEFENDANT-CONTRERAS: Yes, sir.

9 THE COURT: Mr. Morales?

10 DEFENDANT-MORALES: Yes.

11 THE COURT: Mr. Delgado?

12 DEFENDANT-DELGADO: Yes.

13 THE COURT: Mr. Ortiz?

14 DEFENDANT-ORTIZ: Yes, sir.

15 THE COURT: Mr. Bueno?

16 DEFENDANT-BUENO: Yes, sir.

17 THE COURT: Mr. Castillo?

18 DEFENDANT-CASTILLO: Yes, sir.

19 THE COURT: Do you have any complaints or concerns
20 about anything that your lawyer has done or failed to do?

21 Mr. Castillo?

22 DEFENDANT-CASTILLO: No, sir.

23 THE COURT: Mr. Bueno?

24 DEFENDANT-BUENO: No.

25 THE COURT: Mr. Ortiz?

1 DEFENDANT-ORTIZ: No, sir.

2 THE COURT: Mr. Delgado?

3 DEFENDANT-DELGADO: No, sir.

4 THE COURT: Mr. Morales?

5 DEFENDANT-MORALES: No, sir.

6 THE COURT: Mr. Contreras?

7 DEFENDANT-CONTRERAS: Not at all, sir.

8 THE COURT: Has anybody forced you to enter a plea of
9 guilty in your case against your will?

10 Mr. Contreras?

11 DEFENDANT-CONTRERAS: No, sir.

12 THE COURT: Mr. Morales?

13 DEFENDANT-MORALES: No.

14 THE COURT: Mr. Delgado?

15 DEFENDANT-DELGADO: No.

16 THE COURT: Mr. Ortiz?

17 DEFENDANT-ORTIZ: No, sir.

18 THE COURT: Mr. Bueno?

19 DEFENDANT-BUENO: No, sir.

20 THE COURT: Mr. Castillo?

21 DEFENDANT-CASTILLO: No, sir.

22 THE COURT: Has anybody threatened you or put pressure
23 on you in order to get you to plead guilty this morning?

24 Mr. Castillo?

25 DEFENDANT-CASTILLO: No, sir.

1 THE COURT: Mr. Bueno?

2 DEFENDANT-BUENO: No.

3 THE COURT: Mr. Ortiz?

4 DEFENDANT-ORTIZ: No, sir.

5 THE COURT: Mr. Delgado?

6 DEFENDANT-DELGADO: No, sir.

7 THE COURT: Mr. Morales?

8 DEFENDANT-MORALES: No, sir.

9 THE COURT: Mr. Contreras?

10 DEFENDANT-CONTRERAS: No, sir.

11 THE COURT: Is it your intention a little bit later
12 on, when I ask what you wish to plead, is it your intention to
13 enter whatever plea you enter at the time freely and
14 voluntarily today?

15 Mr. Contreras?

16 DEFENDANT-CONTRERAS: Yes, sir.

17 THE COURT: Mr. Morales?

18 DEFENDANT-MORALES: Yes.

19 THE COURT: Mr. Delgado?

20 DEFENDANT-DELGADO: Yes.

21 THE COURT: Mr. Ortiz?

22 DEFENDANT-ORTIZ: Yes, sir.

23 THE COURT: Mr. Bueno?

24 DEFENDANT-BUENO: Yes, sir.

25 THE COURT: Mr. Castillo?

1 DEFENDANT-CASTILLO: Yes, sir.

2 THE COURT: I'm required to review a few things about
3 the offense that I understand you are entering a plea to in
4 your case with you. The first thing I'll do is review what I
5 refer to as the elements of the offense. Elements of the
6 offense are those things that the Government has to prove
7 beyond a reasonable doubt before you can ever be convicted of
8 the crime.

9 And I'm going to start with Mr. Castillo and
10 Mr. Morales. Both of you stand charged in Count 2 of your
11 respective Indictments with the crime that we refer to
12 generally as possession of a controlled substance with the
13 intent to distribute.

14 In order to be convicted of that crime, the following
15 elements are required to be proven beyond a reasonable doubt:

16 That you knowingly possessed a controlled substance.

17 That you possessed that substance with the intent to
18 distribute it.

19 And that the controlled substance in the case
20 involving Mr. Morales was marijuana.

21 Do you understand those elements that are required to
22 be proven in order to be convicted of Count 2 in your
23 Indictment, Mr. Morales?

24 DEFENDANT-MORALES: Yes.

25 THE COURT: In your case, Mr. Castillo, it is a

1 different controlled substance. It is alleged to be cocaine,
2 and it is alleged to have a weight of at least 5 kilograms.

3 With those two additional elements, do you understand
4 all of the elements required to be proven before you can be
5 convicted of a crime in Count 2 of the Indictment?

6 DEFENDANT-CASTILLO: Yes, sir.

7 THE COURT: Now, let me speak to Mr. Bueno, Mr. Ortiz,
8 Mr. Delgado, and Mr. Morales. Each one of you stands charged
9 in Count 1 of your Indictment with the crime of importation of
10 a controlled substance.

11 In order to be convicted of that offense the
12 Government has to prove the following beyond a reasonable
13 doubt:

14 That you knowingly or intentionally brought a quantity
15 of a controlled substance into the United States from a place
16 outside of the United States.

17 That you knew what you were bringing in, or had a high
18 suspicion that what you were bringing in was a controlled
19 substance or an illegal substance.

20 That you knew that the substance would, in fact, enter
21 into the United States.

22 And, in each of the cases, that the controlled
23 substance that is alleged in the count of the Indictment is
24 marijuana.

25 Those are the elements required to be proven beyond a

1 reasonable doubt before you can be convicted of the crime of
2 importation of a controlled substance.

3 Do you understand those elements?

4 Mr. Morales?

5 DEFENDANT-MORALES: Yes, sir.

6 THE COURT: Mr. Delgado?

7 DEFENDANT-DELGADO: Yes.

8 THE COURT: Mr. Ortiz?

9 DEFENDANT-ORTIZ: Yes, sir.

10 THE COURT: And on your case there is one additional
11 requirement. They have to show that it was at least 50
12 kilograms of marijuana.

13 Do you understand that as well, Mr. Ortiz?

14 DEFENDANT-ORTIZ: They have to look at it, or what you
15 mean?

16 THE COURT: They have to show that -- they would have
17 to prove that the weight was at least 50 kilograms or more.

18 DEFENDANT-ORTIZ: Yeah. Yeah. Oh, okay.

19 THE COURT: You understand that is one of the things
20 they would have to prove?

21 DEFENDANT-ORTIZ: Yes, sir.

22 THE COURT: Okay.

23 And in your case, Mr. Bueno, based on the Indictment,
24 they would have to show that the weight was at least 100
25 kilograms or more of marijuana.

1 Do you understand that, sir?

2 DEFENDANT-BUENO: Yes, sir.

3 THE COURT: In your case, Mr. Contreras, you are
4 pleading guilty to a charge that is in an Information,
5 apparently. First, I'm going to show you a document that is
6 entitled "Waiver," and ask if this is your signature.

7 DEFENDANT-CONTRERAS: Yes, sir, it is.

8 THE COURT: Did you sign this document freely and
9 voluntarily?

10 DEFENDANT-CONTRERAS: Yes, I did.

11 THE COURT: By signing this document, you are allowing
12 the Court to entertain a plea to a charge in an Information,
13 even though no Indictment in the case has been presented. That
14 means the Grand Jury hasn't had a chance to review the
15 evidence, to decide whether or not you should be charged with
16 that.

17 Are you waiving that right to have it presented and
18 considered by a Grand Jury freely and voluntarily?

19 DEFENDANT-CONTRERAS: Yes, sir, I am.

20 THE COURT: And do you concur in your client's waiver,
21 Ms. Salome-Smith?

22 MS. SALOME-SMITH: I do, Your Honor.

23 THE COURT: You stand charged by way of Information
24 with the offense of misprision of a felony. To be convicted of
25 that crime, Mr. Contreras, the following elements are required

1 to be proven beyond a reasonable doubt:

2 That you had actual knowledge of the commission of a
3 felony, that is, conspiracy to possess with the intent to
4 distribute a controlled substance, specifically, 5 kilograms or
5 more of marijuana, and wilfully concealed the information.

6 That you did fail to notify authorities as soon as
7 possible, that authority indicating a federal judge or some
8 other federal, civil, or military authority, such as a Federal
9 Grand Jury, Secret Service agent, or FBI.

10 And that you did an affirmative act to conceal the
11 crime.

12 Do you understand -- and that a felony was, in fact,
13 committed, as charged in the Indictment in the case.

14 Do you understand those elements?

15 DEFENDANT-CONTRERAS: Yes, sir, I do.

16 THE COURT: The next thing I'll discuss with you is
17 what the statutory maximum penalty is. Basically, this is the
18 worst possible thing that may occur if you plead guilty, and if
19 I accept your plea of guilty, in terms of the length of
20 imprisonment, the size of the fine, supervised release. And so
21 I'll talk about the term of imprisonment first.

22 Basically, Mr. Contreras, the Court would never be
23 able to impose a sentence in excess of three years, in your
24 case.

25 Do you understand that, sir?

1 DEFENDANT-CONTRERAS: Yes, sir, I do.

2 THE COURT: Mr. Morales, the Court could never
3 imprison you for more than five years, in your case.

4 Do you understand that?

5 DEFENDANT-MORALES: Yes.

6 THE COURT: Mr. Delgado, in your case, the Government
7 has filed an Information. And, in that information, they are
8 alleging that you have a prior drug-related conviction.
9 Specifically, they allege that you were convicted of the crime
10 of possession of marijuana with the intent to distribute, which
11 conviction was filed in the United States District Court for
12 the District of New Mexico, in the cause number listed in the
13 Information.

14 At this time, do you want to affirm or do you want to
15 deny that prior conviction, sir?

16 DEFENDANT-DELGADO: I affirm.

17 THE COURT: I'm also required to tell you that, in the
18 event that you wish to challenge the conviction, you need to do
19 so before the sentencing. Otherwise, you will be forever
20 barred from doing so.

21 Do you understand that, sir?

22 DEFENDANT-DELGADO: That's fine.

23 THE COURT: In light of the Information, the longest
24 possible sentence the Court could impose would be a period of
25 imprisonment that could not exceed 30 years -- I'm sorry -- 10

1 years.

2 Do you understand that?

3 DEFENDANT-DELGADO: Yes.

4 THE COURT: And, Mr. Ortiz, in your case, there is
5 also an Information filed. Specifically, it is alleged that
6 you were convicted of importing marijuana out of the Court in
7 the Western District, in Cause Number EP-01-CR-1149, before a
8 Judge Prado, it looks like, back in September of 2001.

9 At this time, do you wish to affirm or to deny that
10 prior conviction?

11 DEFENDANT-ORTIZ: Yes, sir, I will affirm.

12 THE COURT: And I'm also required to let you know that
13 if at any point you want to challenge it, that you would be
14 required to do so before the sentencing, or you will waive your
15 right to do so.

16 Do you understand that?

17 DEFENDANT-ORTIZ: Yes, sir.

18 THE COURT: In light of the Information that was filed
19 alleging the prior conviction, the Court could never imprison
20 you in this case for more than 30 years.

21 Do you understand that?

22 DEFENDANT-ORTIZ: Yes, sir.

23 THE COURT: Mr. Bueno, in your case, there is a
24 minimum mandatory. That means that the Court will be required
25 to assess a sentence of 5 years at the lowest end, and it could

1 never be higher than 40 years.

2 Do you understand that, sir?

3 DEFENDANT-BUENO: Yes, sir.

4 THE COURT: And in your case, Mr. Castillo, there is
5 also a minimum mandatory. That would be 10 years, and it could
6 be imprisonment up to life.

7 Do you understand that?

8 DEFENDANT-CASTILLO: Yes, sir.

9 THE COURT: In each of the cases the Court is also
10 authorized to impose a fine. Whether I do so at sentencing
11 will depend on information that I don't have today, but I'll
12 tell you what the highest possible fine could be.

13 In your case, Mr. Castillo, I could never impose a
14 fine that exceeded \$4 million.

15 Do you understand that?

16 DEFENDANT-CASTILLO: Yes, sir.

17 THE COURT: Mr. Bueno, it could never exceed \$2
18 million in your case, as well as Mr. Ortiz'.

19 Do you know that, Mr. Bueno?

20 DEFENDANT-BUENO: Yes, sir.

21 THE COURT: Mr. Ortiz?

22 DEFENDANT-ORTIZ: Yes, sir.

23 THE COURT: Mr. Delgado, in your case, the fine could
24 never exceed half a million dollars, \$500,000.

25 Do you understand that, sir?

1 DEFENDANT-DELGADO: Yes.

2 THE COURT: And, Mr. Morales and Mr. Contreras, the
3 fine could never exceed \$250,000 in your cases.

4 Do you understand that, Mr. Morales?

5 DEFENDANT-MORALES: Yes, sir.

6 THE COURT: And, Mr. Contreras?

7 DEFENDANT-CONTRERAS: Yes, sir.

8 THE COURT: The Court could also require that you pay
9 a sum of money in addition to any fine the Court may impose.
10 And that sum of money is limited by statute to no more than
11 \$100 per count of conviction. That money goes to the Crime
12 Victims Fund. We refer to it generally as a Special
13 Assessment.

14 Do you understand that you would possibly be
15 responsible for paying a sum up to that amount per count of
16 conviction? That basically means, in your case, Mr. Morales,
17 since you're pleading to two counts, it could never exceed \$200
18 in the aggregate.

19 All of the others appear to be a one-count conviction.

20 Do you understand that?

21 Mr. Castillo?

22 DEFENDANT-CASTILLO: Yes, sir.

23 THE COURT: Mr. Bueno?

24 DEFENDANT-BUENO: Yes.

25 THE COURT: Mr. Ortiz?

1 DEFENDANT-ORTIZ: Yes, sir.

2 THE COURT: Mr. Delgado?

3 DEFENDANT-DELGADO: Yes, sir.

4 THE COURT: Mr. Morales?

5 DEFENDANT-MORALES: Yes, sir.

6 THE COURT: Mr. Contreras?

7 DEFENDANT-CONTRERAS: Yes, sir.

8 THE COURT: In each case, the Court is also authorized
9 to place you on supervised release. The period of supervision
10 in the federal system actually begins upon the completion of
11 any prison sentence that may be required. It would begin on
12 the date of release, and it would continue for the length of
13 time that is imposed at your sentencing date.

14 How long you can be placed on supervision depends on
15 the statute, and that is what I'm going to provide to you. As
16 long as you complied with all the terms and conditions, the
17 rules that I impose at the time that you are sentenced while on
18 supervised release, you would never have to come back to court.
19 And, eventually, that time would lapse and you would no longer
20 owe the obligation of complying with those terms and
21 conditions.

22 In your case, Mr. Castillo, there is a five-year
23 minimum period of supervision, but it could be up to the rest
24 of your life.

25 Do you understand that, sir?

1 DEFENDANT-CASTILLO: Yes, sir.

2 THE COURT: Mr. Bueno, in your case, it is a four-year
3 minimum period, and it could also be up to the rest of your
4 life.

5 Do you understand that?

6 DEFENDANT-BUENO: Yes, sir.

7 THE COURT: Mr. Ortiz, in light of the enhancement, it
8 is a six-year minimum period, and that could be for the rest of
9 your life, as well.

10 Do you understand that?

11 DEFENDANT-ORTIZ: Yes, sir.

12 THE COURT: Mr. Delgado, it would be a four-year
13 minimum, and possibly up to the rest of your life.

14 Do you understand that, sir?

15 DEFENDANT-DELGADO: Yes.

16 THE COURT: And, Mr. Morales, in your case, it could
17 never be more than three years.

18 Do you understand that?

19 DEFENDANT-MORALES: Yes.

20 THE COURT: And, Mr. Contreras, it could never be
21 longer than one year.

22 Do you understand that?

23 DEFENDANT-CONTRERAS: Yes, sir.

24 THE COURT: While we are on the subject of supervised
25 release, I told you there would be rules to follow while you

1 are on supervision. In the event that the Government believes
2 that there is a violation of any term or condition of
3 supervised release, it is possible that you may be required to
4 come back to court. And, if you come back to court for a
5 hearing on that alleged violation, you would be represented by
6 counsel. But if, after the evidence is considered, the Court
7 determines that a violation occurred, then the Court would have
8 various options available to it as a punishment or consequence
9 of the violation:

10 The Court could return you to prison to spend more
11 time.

12 The Court could enlarge the period of supervision.

13 The Court could also tweak or change the rules by
14 which you would have to comply while you were on supervised
15 release.

16 Or I could do a combination of all of those things.

17 Do you understand all of the consequences if there is
18 a violation of supervised release?

19 Mr. Castillo?

20 DEFENDANT-CASTILLO: Yes, sir.

21 THE COURT: Mr. Bueno?

22 DEFENDANT-BUENO: Yes.

23 THE COURT: Mr. Ortiz?

24 DEFENDANT-ORTIZ: Yes, sir.

25 THE COURT: Mr. Delgado?

1 DEFENDANT-DELGADO: Yes, sir.

2 THE COURT: Mr. Morales?

3 DEFENDANT-MORALES: Yes, sir.

4 THE COURT: Mr. Contreras?

5 DEFENDANT-CONTRERAS: Yes, sir.

6 THE COURT: I told you what the very worst sentence
7 could be. That hardly ever is imposed, I will tell you. What
8 we do instead is we try, on the sentencing date, to impose a
9 sentence that is fair and reasonable and, in the words of the
10 statute, sufficient but not greater than required in order to
11 accomplish all of the purposes of the statute.

12 I'm directed, on your sentencing date, to first
13 consider the advisory Guidelines. And, in considering those
14 Guidelines, I'm going to make reference to a chart like the one
15 I'm holding up, and one that I hope you have had the chance to
16 review and discuss with your attorney before today's hearing.

17 Have you seen a chart like the one I'm holding and
18 discussed it with your lawyer before today's hearing?

19 Mr. Contreras?

20 DEFENDANT-CONTRERAS: I have.

21 THE COURT: Mr. Morales?

22 DEFENDANT-MORALES: Yes.

23 THE COURT: Mr. Delgado?

24 DEFENDANT-DELGADO: Yes.

25 THE COURT: Mr. Ortiz?

1 DEFENDANT-ORTIZ: Yes, sir.

2 THE COURT: Mr. Bueno?

3 DEFENDANT-BUENO: Yes, sir.

4 THE COURT: Mr. Castillo?

5 DEFENDANT-CASTILLO: Yes, sir.

6 THE COURT: Basically, on your sentencing day, the way
7 I'll start off is by considering the Guidelines, making
8 reference to this chart. We start with a certain number, and
9 that number depends upon the crime of conviction. Every crime
10 of conviction carries a number that is associated with it.
11 That is called the base offense level.

12 In an illegal re-entry case, it is an 8. In all of
13 the other cases involving drugs it varies, depending upon the
14 weight of the contraband.

15 And so whatever number we begin with, to that base
16 offense level we'll add any enhancements that are appropriate
17 under the Guidelines, and we will subtract any adjustments that
18 are appropriate in light of all of the information that I have.

19 Once I do the arithmetic, after I add the
20 enhancements, deduct the adjustments, the number with which I
21 am left is called the total offense level. And that will be
22 the actual number on the vertical side of this chart that I'm
23 going to consider.

24 Horizontally, then, I have different criminal history
25 categories. We will determine what the appropriate category is

1 in your individual case. Once we make that determination, I'm
2 going to go back and find the total offense level, find the
3 criminal history category, and then determine where both of
4 those numbers happen to intersect within the body of the chart.
5 And, at the point of intersection, that's called the Guideline
6 sentence range. Basically, there are numbers, and there's a
7 number from a low number to a high number. And what it
8 suggests to the Court is a range of months that the Court ought
9 to consider as possibly a fair sentence in your case.

10 My first question to you is: Do you understand how,
11 on your sentencing date, the Court is first going to consider
12 the advisory Guidelines, make reference to this chart, go
13 through the process I just described, determine the Guideline
14 range, and that the Court has the option of sentencing you
15 within those Guidelines anywhere from the bottom of the range
16 to the high end of range as one option for sentencing?

17 Do you understand all of that?

18 Mr. Contreras?

19 DEFENDANT-CONTRERAS: Yes, sir.

20 THE COURT: Mr. Morales?

21 DEFENDANT-MORALES: Yes.

22 THE COURT: Mr. Delgado?

23 DEFENDANT-DELGADO: Yes.

24 THE COURT: Mr. Ortiz?

25 DEFENDANT-ORTIZ: Yes, sir.

1 THE COURT: Mr. Bueno?

2 DEFENDANT-BUENO: Yes, sir.

3 THE COURT: Mr. Castillo?

4 DEFENDANT-CASTILLO: Yes, sir.

5 THE COURT: Now, because they are advisory, and
6 because there is much more information about you that is
7 relevant to what a fair sentence would be other than those two
8 factors alone, and I hope to have a report that gives me so
9 much more information about you on the date of your sentence, I
10 may go through that process, which I'm required to do, and then
11 determine that the sentencing range that is suggested as
12 appropriate is not the best fit in your case.

13 Because they are advisory, and because some discretion
14 has been re-birthed to federal judges, the Court can actually
15 decide that we shouldn't sentence within the range. And so it
16 is possible that I may decide that you, in your case, should be
17 entitled to a more lenient sentence, possibly, or to a more
18 severe sentence, depending upon all of that information.

19 Do you understand that the Court has those two options
20 available to it, as far as imposing a sentence on your
21 sentencing date?

22 Mr. Castillo?

23 DEFENDANT-CASTILLO: Yes, sir.

24 THE COURT: Mr. Bueno?

25 DEFENDANT-BUENO: Yes.

1 THE COURT: Mr. Ortiz?

2 DEFENDANT-ORTIZ: Yes, sir.

3 THE COURT: Mr. Delgado?

4 DEFENDANT-DELGADO: Yes, sir.

5 THE COURT: Mr. Morales?

6 DEFENDANT-MORALES: Yes, sir.

7 THE COURT: Mr. Contreras?

8 DEFENDANT-CONTRERAS: Yes, sir.

9 THE COURT: Now, I'm sure your good lawyers, in
10 knowing much more about your case than I do, and knowing much
11 more about you, with all the discussions they have had with
12 you, hopefully, in knowing their experience in federal court
13 and their knowledge of the Guidelines, have, in reviewing this
14 chart with you, probably given you his or her opinion about
15 what sentence you might possibly expect to receive on your
16 sentencing date.

17 Has your lawyer given you an opinion with respect to
18 the sentence, especially in terms of the length of
19 imprisonment? Has your lawyer shared that opinion with you?

20 Mr. Castillo?

21 DEFENDANT-CASTILLO: Yes, sir.

22 THE COURT: Mr. Bueno?

23 DEFENDANT-BUENO: Yes.

24 THE COURT: Mr. Ortiz?

25 DEFENDANT-ORTIZ: Yes, sir.

1 THE COURT: Mr. Delgado?

2 DEFENDANT-DELGADO: Yes, sir.

3 THE COURT: Mr. Morales?

4 DEFENDANT-MORALES: Yes, sir.

5 THE COURT: Mr. Contreras?

6 DEFENDANT-CONTRERAS: Yes, she has.

7 THE COURT: Do you understand that your lawyer's
8 opinion about the sentence that you may receive, the length of
9 the imprisonment, do you understand that that opinion is only
10 an opinion? It is not a promise to you, it is not a guarantee,
11 it is their best guess, based on a lot of experience and
12 knowledge and information. But it is like all other opinions.
13 It may be correct, but it may be incorrect.

14 Do you understand all of that?

15 Mr. Contreras?

16 DEFENDANT-CONTRERAS: I understand.

17 THE COURT: Mr. Morales?

18 DEFENDANT-MORALES: Yes.

19 THE COURT: Mr. Delgado?

20 DEFENDANT-DELGADO: Yes.

21 THE COURT: Mr. Ortiz?

22 DEFENDANT-ORTIZ: Yes, sir.

23 THE COURT: Mr. Bueno?

24 DEFENDANT-BUENO: Yes, sir.

25 THE COURT: Mr. Castillo?

1 DEFENDANT-CASTILLO: Yes, sir.

2 THE COURT: Also, do you understand that right now,
3 because I don't know as much about you as I would like to know
4 when I impose sentence, do you understand that right now I am
5 making absolutely no commitment to you about any specific
6 sentence that I intend to impose in your case?

7 Do you understand that?

8 Mr. Castillo?

9 DEFENDANT-CASTILLO: Yes, sir.

10 THE COURT: Mr. Bueno?

11 DEFENDANT-BUENO: Yes, sir.

12 THE COURT: Mr. Ortiz?

13 DEFENDANT-ORTIZ: Yes, sir.

14 THE COURT: Mr. Delgado?

15 DEFENDANT-DELGADO: Yes, sir.

16 THE COURT: Mr. Morales?

17 DEFENDANT-MORALES: Yes, sir.

18 THE COURT: Mr. Contreras?

19 DEFENDANT-CONTRERAS: Yes, sir.

20 THE COURT: In the report that I made reference to,
21 the probation officer who prepares the report will also, within
22 the report, review the Guidelines, the advisory Guidelines, and
23 share an opinion with me about how he or she believes the
24 Guidelines are applicable in your case. So that's really
25 another opinion that the Court will have available to it.

1 Do you understand that the probation officer's opinion
2 in the sentencing report, that that opinion could be the same
3 as or even different from the opinion that your lawyer has on
4 the terms of imprisonment?

5 Do you understand that?

6 Mr. Contreras?

7 DEFENDANT-CONTRERAS: Yes, sir.

8 THE COURT: Mr. Morales?

9 DEFENDANT-MORALES: Yes.

10 THE COURT: Mr. Delgado?

11 DEFENDANT-DELGADO: Yes.

12 THE COURT: Mr. Ortiz?

13 DEFENDANT-ORTIZ: Yes, sir.

14 THE COURT: Mr. Bueno?

15 DEFENDANT-BUENO: Yes, sir.

16 THE COURT: Mr. Castillo?

17 DEFENDANT-CASTILLO: Yes, sir.

18 THE COURT: If you are not a citizen of the
19 United States, then one of the consequences of being convicted
20 of a felony-level offense is that you will be removed,
21 excluded, or deported from the country.

22 And do you understand that?

23 Mr. Bueno?

24 DEFENDANT-BUENO: Yes, sir.

25 THE COURT: Mr. Delgado?

1 DEFENDANT-DELGADO: Yes, sir.

2 THE COURT: Mr. Morales?

3 DEFENDANT-MORALES: Yes, sir.

4 THE COURT: There are three of you who indicated you
5 are citizens of the United States. If you are convicted of a
6 felony-level offense, there are also consequences to that. And
7 many of the civil rights which you may presently enjoy will be
8 no longer available to you.

9 For example, you would no longer be eligible to vote.
10 You could no longer run for office or hold public office. You
11 could no longer sit on a jury. You could no longer possess
12 weapons.

13 And, if you believe that you are entitled to
14 Government licenses, benefits, or employment, all of those
15 opportunities may no longer be afforded to you.

16 Do you understand those consequences?

17 Mr. Contreras?

18 DEFENDANT-CONTRERAS: Yes, sir, I do.

19 THE COURT: Mr. Ortiz?

20 DEFENDANT-ORTIZ: Yes, sir.

21 THE COURT: And, Mr. Castillo?

22 DEFENDANT-CASTILLO: Yes, sir.

23 THE COURT: Regardless of how long the sentence is,
24 you need to know that there is no parole in the federal system,
25 and you will never go before a parole board. And, therefore,

1 you should hold no expectation that your sentence will be
2 substantially reduced.

3 Do you understand that?

4 Mr. Contreras?

5 DEFENDANT-CONTRERAS: Yes, sir.

6 THE COURT: Mr. Morales?

7 DEFENDANT-MORALES: Yes.

8 THE COURT: Mr. Delgado?

9 DEFENDANT-DELGADO: Yes.

10 THE COURT: Mr. Ortiz?

11 DEFENDANT-ORTIZ: Yes, sir.

12 THE COURT: Mr. Bueno?

13 DEFENDANT-BUENO: Yes, sir.

14 THE COURT: Mr. Castillo?

15 DEFENDANT-CASTILLO: Yes, sir.

16 THE COURT: It is possible, I'll tell you, if your
17 sentence exceeds 12 months, even by one day, that you may
18 become eligible for good conduct time. That's up to prison
19 officials. The Court has no role to play in that. And that
20 would be entirely a matter that you take up with the prison
21 officials, in the event that you didn't feel you got what you
22 deserved.

23 Do you understand that if you plead guilty today that
24 you will forever give up, or waive, your right to have a trial
25 in your case?

1 Do you understand that?

2 Mr. Contreras?

3 DEFENDANT-CONTRERAS: Yes, sir.

4 THE COURT: Mr. Morales?

5 DEFENDANT-MORALES: Yes.

6 THE COURT: Mr. Delgado?

7 DEFENDANT-DELGADO: Yes.

8 THE COURT: Mr. Ortiz?

9 DEFENDANT-ORTIZ: Yes, sir.

10 THE COURT: Mr. Bueno?

11 DEFENDANT-BUENO: Yes, sir.

12 THE COURT: Mr. Castillo?

13 DEFENDANT-CASTILLO: Yes, sir.

14 THE COURT: In addition to waiving, or giving up, your
15 right to have a trial, you are also waiving, or giving up, all
16 of the rights which you are able to exercise if your case were
17 to go to trial. Because I need to make a decision that your
18 plea is an informed plea, I have to tell you about all of those
19 rights that you are waiving. Please listen carefully, because
20 the list is a little bit long. All of these are rights that
21 you have if you go to trial.

22 If you went to trial, you would have the right to
23 require that the Government come into court and prove your
24 guilt beyond a reasonable doubt. The Government has the burden
25 of proof. The Government has to put on evidence. They have to

1 call witnesses. And, if they are unable to convince the judge
2 or the jury of your guilt beyond a reasonable doubt, the judge
3 or the jury listening to the case would have to return a
4 verdict of not guilty.

5 You, as the accused, have no burden of proof. You
6 don't have to prove anything. You don't have to testify. You
7 don't have to call witnesses.

8 At the end of all the evidence the question for the
9 jury is the same, whether there is any evidence on the defense
10 side or not, and it is: Did the Government prove guilt beyond
11 a reasonable doubt?

12 If you went to trial, you would have the right to see
13 the witnesses who would be called into court to testify against
14 you.

15 If you went to trial, you would have the right to have
16 the Government witnesses cross-examined by your lawyer.

17 If you went to trial, you would have the right to have
18 your attorney there throughout the course of the trial to
19 assist you in every way possible, to make all the proceedings
20 understandable to you, to ensure that the evidence was legally
21 admissible evidence, to be your spokesperson in court, to
22 answer your questions, to basically help you in any way
23 possible, so that you were completely protected in every way.

24 If you went to trial, you would, at the beginning of
25 the trial, enjoy the presumption of innocence. The jury would

1 be instructed that you are legally presumed to be innocent at
2 the beginning, because no evidence will have been introduced.
3 And whether or not that presumption of innocence continues to
4 stay with you would depend upon how the jury or the judge
5 decided to weigh or value the evidence as it was being
6 presented. It's something that could possibly stay with you
7 throughout the trial, if they never believed the evidence, or
8 it may be removed based upon their belief in the evidence. But
9 it's a right that you enjoy at the very beginning of the trial.

10 If you went to trial, you would have the right to
11 remain silent. That means that the Government could never call
12 you to the stand and force you to be a witness against
13 yourself.

14 If you went to trial and decided to remain silent, the
15 jury would be instructed that they could never infer anything
16 as a result of your guilt -- as a result of your silence. I'm
17 sorry.

18 They also would be instructed that they could never
19 even mention the fact that you decided not to testify in your
20 case during their deliberations or at any time during the
21 trial.

22 If you went to trial, you would, even though you have
23 the right to remain silent, nevertheless, have the opportunity
24 to testify for yourself if you wish to.

25 If you insisted on getting on the stand and telling

1 your side of the story, that opportunity would be afforded to
2 you, even to the dismay of your lawyer, at times. But you
3 would be there and have your day in court and testify, and you
4 would subject yourself to cross-examination by the prosecution.

5 If you went to trial, and if you wanted to have other
6 evidence considered that you thought was favorable to your side
7 of the case, the opportunity to present that evidence would be
8 afforded to you. Remember, you don't have a burden and you
9 don't have to present evidence. But if you want others to come
10 in and testify, you could present the testimony of live
11 witnesses or introduce documents, photographs, or anything that
12 is admissible under the rules of evidence that you thought was
13 helpful to your case.

14 If you went to trial, you would have the right to have
15 a jury selected and impaneled, which jury would sit in the box,
16 listen to the evidence, and then determine for itself whether
17 or not the Government met or failed to meet its burden of
18 proof.

19 If you went to trial, and the trial resulted in a
20 guilty verdict, you could appeal that guilty verdict if you did
21 not believe that it was supported by the evidence.

22 And, finally, if you went to trial, your lawyer would
23 have the right to receive witness statements from the
24 Government witnesses who took the stand at trial to testify
25 against you who had, prior to trial, provided written witness

1 statements, which written witness statements could then be used
2 for purposes of impeaching the credibility of the witness as he
3 or she testified.

4 All of those are rights that you enjoy if you go to
5 trial. But you have already told me that you understood that
6 you are giving up your right to have a trial if you plead
7 guilty. Do you also understand all of the individual rights
8 which I just reviewed with you which you are, in turn, waiving,
9 or giving up, if you plead guilty today?

10 Mr. Contreras?

11 DEFENDANT-CONTRERAS: Yes, sir.

12 THE COURT: Mr. Morales?

13 DEFENDANT-MORALES: Yes.

14 THE COURT: Mr. Delgado?

15 DEFENDANT-DELGADO: Yes.

16 THE COURT: Mr. Ortiz?

17 DEFENDANT-ORTIZ: Yes, sir.

18 THE COURT: Mr. Bueno?

19 DEFENDANT-BUENO: Yes, sir.

20 THE COURT: Mr. Castillo?

21 DEFENDANT-CASTILLO: Yes, sir.

22 THE COURT: Are there any issues of restitution in any
23 of the cases, or forfeiture, Mr. Gallegos?

24 MR. GALLEGOS: No, Your Honor.

25 THE COURT: I need to review Plea Agreements with

1 those of you who have them in your case. We'll do that,
2 hopefully, quickly.

3 Mr. Contreras, is that your autograph?

4 DEFENDANT-CONTRERAS: Yes, sir.

5 THE COURT: Did you sign the Plea Agreement in your
6 case freely and voluntarily?

7 DEFENDANT-CONTRERAS: I did.

8 THE COURT: Did you read it before you signed it?

9 DEFENDANT-CONTRERAS: Yes, sir.

10 THE COURT: Did you understand it?

11 DEFENDANT-CONTRERAS: Yes, sir.

12 THE COURT: Did you discuss it with your lawyer?

13 DEFENDANT-CONTRERAS: Yes, I did.

14 THE COURT: Mr. Delgado, is this your signature where
15 I'm pointing, sir?

16 DEFENDANT-DELGADO: Yes, sir.

17 THE COURT: Did you sign the Plea Agreement freely and
18 voluntarily?

19 DEFENDANT-DELGADO: Yes.

20 THE COURT: The Plea Agreement is in English. Did
21 your lawyer translate it for you or explain it to you, so that
22 when you signed it, you understood everything it contained?

23 DEFENDANT-DELGADO: Yes, he explained it.

24 THE COURT: Well, it's a she. And have you had any
25 difficulty communicating with your lawyer in Spanish?

1 DEFENDANT-DELGADO: No, sir.

2 THE COURT: Okay.

3 And, Mr. Ortiz, is this your autograph where I'm
4 pointing, sir?

5 DEFENDANT-ORTIZ: Yes, sir.

6 THE COURT: Did you sign the Plea Agreement freely and
7 voluntarily?

8 DEFENDANT-ORTIZ: Yes, sir, I did.

9 THE COURT: Did you read it before you signed it?

10 DEFENDANT-ORTIZ: Yes, sir, I did.

11 THE COURT: Did you discuss it with your lawyer?

12 DEFENDANT-ORTIZ: Yes, sir, I did.

13 THE COURT: Did you understand what you were signing?

14 DEFENDANT-ORTIZ: Yes, sir.

15 THE COURT: Mr. Bueno, is this your signature where
16 I'm pointing, sir?

17 DEFENDANT-BUENO: Yes, sir.

18 THE COURT: Did you sign the document freely and
19 voluntarily?

20 DEFENDANT-BUENO: Yes, sir.

21 THE COURT: Before signing it, did your lawyer explain
22 it to you or translate it for you so that you understood
23 everything that the document contained?

24 DEFENDANT-BUENO: It was explained to me.

25 THE COURT: Have you had any difficulty communicating

1 with Mr. Trejo in Spanish?

2 DEFENDANT-BUENO: No, sir.

3 THE COURT: There's no Plea Agreement. He's charged
4 only in Count 2?

5 MR. BAKER: There is a Plea Agreement.

6 THE COURT: Wait, wait, wait.

7 Robert, I don't have the Plea Agreement on
8 Mr. Castillo's case.

9 (BRIEF RECESS.)

10 MR. GALLEGOS: I have a copy, Your Honor. Is that
11 okay?

12 THE COURT: Sure. I'm going to mark it up. Thank
13 you.

14 Mr. Castillo, is this your signature where I'm
15 pointing, sir?

16 DEFENDANT-CASTILLO: Yes, sir.

17 THE COURT: Did you sign the Plea Agreement freely and
18 voluntarily?

19 DEFENDANT-CASTILLO: Yes, sir.

20 THE COURT: Did you read it before you signed it?

21 DEFENDANT-CASTILLO: Yes, sir.

22 THE COURT: Did you discuss it with your attorney?

23 DEFENDANT-CASTILLO: Yes, sir.

24 THE COURT: And did you understand what you were
25 signing?

1 DEFENDANT-CASTILLO: Yes, sir.

2 THE COURT: Let's review just parts of the Plea
3 Agreements to make sure that all of us have the same
4 understanding.

5 It is my understanding, Mr. Contreras, that in your
6 Plea Agreement you are agreeing to enter a plea of guilty to
7 the felony Information. And the Government, in turn, will move
8 for dismissal of the Indictment pending in your case at the
9 time of sentencing.

10 Do you understand that to be a part of your Plea
11 Agreement?

12 DEFENDANT-CONTRERAS: Yes, I do, sir.

13 THE COURT: Mr. Castillo, in your Plea Agreement, it
14 is agreed between you and the Government that you will plead
15 guilty to Count 2 of the Indictment in the case.

16 Do you understand that to be a part of the Plea
17 Agreement in your case?

18 DEFENDANT-CASTILLO: Yes, sir.

19 THE COURT: In the other Plea Agreements, my
20 understanding is that each one of you plans to plead guilty to
21 Count 1 of the Indictment. And the Government, in turn,
22 promises to dismiss the remaining counts at the time of
23 sentencing.

24 Do you understand that to be a part of the Plea
25 Agreement in your case?

1 Mr. Delgado?

2 DEFENDANT-DELGADO: Yes.

3 THE COURT: Mr. Ortiz?

4 DEFENDANT-ORTIZ: Yes, sir.

5 THE COURT: And, Mr. Bueno?

6 DEFENDANT-BUENO: Yes, sir.

7 THE COURT: In each of the Plea Agreements, you are
8 informed that there are various adjustments the Court may
9 grant. One of the adjustments is referred to as acceptance of
10 responsibility. If the Court awards you two levels off for
11 acceptance of responsibility, the Government is promising you
12 to -- that they will move for the third level, so that your
13 entire benefit is a three-level benefit which, basically, makes
14 it less time in prison.

15 Do you understand that is a part of the Plea Agreement
16 in your case?

17 Mr. Castillo?

18 DEFENDANT-CASTILLO: Yes, sir.

19 THE COURT: Mr. Bueno?

20 DEFENDANT-BUENO: Yes.

21 THE COURT: Mr. Ortiz?

22 DEFENDANT-ORTIZ: Yes, sir.

23 THE COURT: Mr. Delgado?

24 DEFENDANT-DELGADO: Yes, sir.

25 THE COURT: And, Mr. Contreras?

1 DEFENDANT-CONTRERAS: Yes, sir.

2 THE COURT: Okay. In some of the Plea Agreements you
3 are informed about the possibility that the Court may make a
4 determination that you played a minor role. If the Court were
5 to grant that, that adjustment could be anywhere from two to
6 four, just depending upon the circumstances in your case.

7 If the Court awards you a two-level adjustment, in
8 those Plea Agreements that I'll review with you momentarily,
9 the Government promises not to oppose that adjustment if they
10 believe that the evidence supports it.

11 That provision is in your Plea Agreement. Do you
12 understand that?

13 Mr. Castillo?

14 DEFENDANT-CASTILLO: Yes, sir.

15 THE COURT: Do you understand that it applies to you,
16 as well, Mr. Bueno?

17 DEFENDANT-BUENO: Yes, sir.

18 THE COURT: It applies to you, as well, Mr. Ortiz.

19 DEFENDANT-ORTIZ: Yes, sir.

20 THE COURT: And it applies to you, as well,
21 Mr. Delgado.

22 DEFENDANT-DELGADO: Yes, sir.

23 THE COURT: In your case, Mr. Contreras, yours is just
24 a little bit different. The Government is agreeing, in your
25 case, to remain silent as to any request on behalf of the

1 Defendant concerning role in the offense. And the Government
2 does indicate that they do not oppose a request for a split
3 sentence. Do you understand that is a part of the Plea
4 Agreement in your case?

5 DEFENDANT-CONTRERAS: I understand.

6 THE COURT: Okay.

7 In some of the Plea Agreements, two of them, there is
8 an opportunity for yet a third possible adjustment, which is
9 referred to generically as safety valve. It is an additional
10 two levels which we might possibly take off if it is applicable
11 in your case. It does require the provision of information.
12 The information has to be of a certain quality. It has to be
13 done within the time frame set forth in the Plea Agreement.
14 And ultimately, while the Court will look to the prosecutor to
15 give information about whether or not they believe it is
16 merited, the Court is the -- that's one of the few things left
17 to the Court to decide.

18 Do you understand that to be a part of the Plea
19 Agreement in your case?

20 Mr. Castillo?

21 DEFENDANT-CASTILLO: Yes, sir.

22 THE COURT: And, Mr. Bueno?

23 DEFENDANT-BUENO: Yes, sir.

24 THE COURT: In each of the Plea Agreements, by signing
25 it, you are waiving your right to receive any additional

1 information from the prosecution.

2 Do you understand that provision is in your Plea
3 Agreement?

4 Mr. Contreras?

5 DEFENDANT-CONTRERAS: Yes, sir.

6 THE COURT: Mr. Delgado?

7 DEFENDANT-DELGADO: Yes.

8 THE COURT: Mr. Bueno?

9 DEFENDANT-BUENO: Yes, sir.

10 THE COURT: In each of the Plea Agreements, by signing
11 it, you are waiving your right to challenge any sentence this
12 Court may impose in your case, even though, as I've explained,
13 you and I today do not know what that sentence is going to be.
14 Do you understand that to be a part of the Plea Agreement in
15 your case?

16 Mr. Castillo?

17 DEFENDANT-CASTILLO: Yes, sir.

18 THE COURT: Mr. Bueno?

19 DEFENDANT-BUENO: Yes, sir.

20 THE COURT: Mr. Ortiz?

21 DEFENDANT-ORTIZ: Yes, sir.

22 THE COURT: Mr. Delgado?

23 DEFENDANT-DELGADO: Yes, sir.

24 THE COURT: And, Mr. Contreras?

25 DEFENDANT-CONTRERAS: Yes, sir.

1 THE COURT: Additionally, each one of you, by signing
2 the Plea Agreement, is waiving your right to file an appeal or
3 attack the judgment after it has been entered on any and all
4 grounds, with the exception of two. You would reserve your
5 right to proceed either by way of appeal or by post-conviction
6 writ if you are alleging prosecutorial misconduct or
7 ineffective assistance of counsel.

8 Do you understand that to be a part of your Plea
9 Agreement?

10 Mr. Contreras?

11 DEFENDANT-CONTRERAS: Yes, sir.

12 THE COURT: Mr. Delgado?

13 DEFENDANT-DELGADO: Yes.

14 THE COURT: Mr. Ortiz?

15 DEFENDANT-ORTIZ: Yes, sir.

16 THE COURT: Mr. Bueno?

17 DEFENDANT-BUENO: Yes, sir.

18 THE COURT: And, Mr. Castillo?

19 DEFENDANT-CASTILLO: Yes, sir.

20 THE COURT: Each of you is assuring me that you are
21 fully satisfied with your lawyer's assistance and that you
22 believe that your lawyer has provided competent representation.

23 Do you understand that is a part of the Plea Agreement
24 you signed?

25 Mr. Castillo?

1 DEFENDANT-CASTILLO: Yes, sir.

2 THE COURT: Mr. Bueno?

3 DEFENDANT-BUENO: Yes, sir.

4 THE COURT: Mr. Ortiz?

5 DEFENDANT-ORTIZ: Yes, sir.

6 THE COURT: Mr. Delgado?

7 DEFENDANT-DELGADO: Yes, sir.

8 THE COURT: Mr. Contreras?

9 DEFENDANT-CONTRERAS: Yes, sir.

10 THE COURT: And, finally, you are assuring me that the
11 information in the Factual Basis for the Government, in
12 narrative form, tells me what they think the evidence in your
13 case would show, that you believe that information to be true
14 and correct.

15 Do you understand that to be a part of the Plea
16 Agreement in your case?

17 Mr. Contreras?

18 DEFENDANT-CONTRERAS: Yes, sir.

19 THE COURT: Mr. Delgado?

20 DEFENDANT-DELGADO: Yes, sir.

21 THE COURT: Mr. Ortiz?

22 DEFENDANT-ORTIZ: Yes, sir.

23 THE COURT: Mr. Bueno?

24 DEFENDANT-BUENO: Yes, sir.

25 THE COURT: And, Mr. Castillo?

1 DEFENDANT-CASTILLO: Yes, sir.

2 THE COURT: In those cases, is there any objection to
3 the Court's receipt of the Plea Agreement and the Court making
4 the Plea Agreement a part of the record?

5 Mr. Gallegos, on all cases?

6 MR. GALLEGOS: No, Your Honor.

7 THE COURT: And then, Ms. Salome-Smith?

8 MS. SALOME-SMITH: No, Your Honor.

9 THE COURT: Ms. Marie Romero-Martinez?

10 MS. ROMERO-MARTINEZ: No, Your Honor.

11 THE COURT: Mr. Margarito Rodriguez?

12 MR. RODRIGUEZ: No, Your Honor.

13 THE COURT: Mr. Trejo?

14 MR. TREJO: No, Your Honor.

15 THE COURT: Mr. Baker?

16 MR. BAKER: No, Your Honor.

17 THE COURT: The Court will receive the Plea Agreement
18 in each case, approve it, and make it a part of the record.

19 Have I failed to admonish your client on anything that
20 I need to cover more extensively?

21 Mr. Baker?

22 MR. BAKER: No, Your Honor.

23 THE COURT: Mr. Trejo?

24 MR. TREJO: No, Your Honor.

25 THE COURT: Mr. Rodriguez?

1 MR. RODRIGUEZ: No, Your Honor.

2 THE COURT: Ms. Romero?

3 MS. ROMERO-MARTINEZ: No, Your Honor.

4 THE COURT: Mr. Calhoun?

5 MR. CALHOUN: No, Your Honor.

6 THE COURT: Ms. Salome-Smith?

7 MS. SALOME-SMITH: No, Your Honor.

8 THE COURT: Mr. Gallegos?

9 MR. GALLEGOS: Judge, my notes indicate that we went
10 from attorney satisfaction straight to explaining the charges
11 in the Indictment. And I don't recall if Your Honor asked if
12 their specific pleas were voluntary.

13 THE COURT: I did. I covered it. Thank you very
14 much.

15 Mr. Nobles?

16 COURT REPORTER: No, sir.

17 THE COURT: Okay. Listen carefully. I'm going to go
18 back to individual hearings, and I'm going to ask the
19 prosecutor to tell me what the evidence would show if your case
20 were to go to trial. Listen carefully. As we get to your
21 individual case, I'm going to turn to you immediately after he
22 finishes and ask if you agree with the information which he
23 provides.

24 Let's go ahead with Mr. Contreras' case, please.

25 MR. GALLEGOS: The Government would show that on

1 August 29th, 2007, the CS received a telephone call from
2 Contreras' codefendant, Aguirre, to verify if the CS could
3 smuggle a load -- a loaded vehicle this day. Aguirre stated
4 the vehicle would be a Ford Taurus.

5 At approximately 2:40 p.m., the CS met with Aguirre at
6 the top of the Bridge of the Americas. The CS stated a short
7 time later a suspect named Hilario Morales, who was operating a
8 green Ford Taurus, arrived at the top of the bridge.

9 Morales exited the vehicle and the CS entered. The CS
10 stated Morales then returned to Mexico. The CS stated that
11 he/she received telephone calls from Aguirre about the progress
12 in the smuggling of the marijuana.

13 At approximately 2:45 p.m., the CS successfully
14 crossed the loaded vehicle into El Paso. The CS then drove the
15 vehicle to a predestined location and met with DEA agents.

16 A later search of the vehicle revealed 77.4 kilograms
17 of a green, leafy substance that later field tested positive
18 for marijuana.

19 At approximately 3:14 p.m., the CS spoke to Aguirre,
20 who asked the CS to meet at a Circle K located near Contreras'
21 home.

22 At approximately 4:15 p.m., a gray Dodge truck
23 registered to Contreras arrived at the Circle K and parked
24 adjacent to the loaded vehicle. The CS met with Contreras and
25 Aguirre. The CS requested payment for delivery of the load.

1 The CS stated Aguirre provided the CS with \$2,500 for delivery
2 of the loaded vehicle. DEA agents, along with El Paso police
3 marked units arrested both Aguirre and Contreras at this time.

4 After waiving his Miranda rights, Contreras stated he
5 did not have any knowledge of the marijuana deal. After
6 speaking to Aguirre, agents then asked Contreras, "All you did
7 was lend your brother-in-law your cell phone to get this deal
8 going?"

9 To which Contreras agreed and stated that -- stated
10 this is all he did.

11 Contreras now admits that his initial lack of
12 truthfulness concerning the use of his cellular telephone was
13 an affirmative act of concealment.

14 THE COURT: And do you agree with that information,
15 Mr. Contreras?

16 DEFENDANT-CONTRERAS: Yes, sir, I do.

17 THE COURT: Mr. Contreras, you stand charged in Count
18 1 of the Information with a crime of misprision of a felony on
19 or about August the 29th.

20 To that charge do you wish to plead guilty or not
21 guilty?

22 DEFENDANT-CONTRERAS: Guilty.

23 THE COURT: And I'll be back with you in just a little
24 bit.

25 Let's go on to Mr. Morales' case, please.

1 MR. TREJO: Your Honor, I'm sorry to interrupt. But
2 could I ask leave of the Court to -- I have a hearing at 9:00,
3 and Mr. Calhoun has graciously agreed to stand in for my
4 client, Mr. Bueno.

5 But I would see if Your Honor, could dismiss me --

6 THE COURT: It depends which court you are going to.
7 Where are you going?

8 MR. TREJO: Judge Mesa. I have a plea there --

9 THE COURT: Okay.

10 MR. TREJO: -- at 9:00.

11 THE COURT: Okay. Well, he's a good guy. Yeah.
12 Sure.

13 MR. RODRIGUEZ: Your Honor, I have the same request.
14 I have a sentencing with another good guy, Judge Martinez --

15 THE COURT: He's a good guy.

16 MR. RODRIGUEZ: -- Judge Montalvo.

17 THE COURT: And Mr. Calhoun is going to step in for
18 you, as well, or...

19 MR. RODRIGUEZ: Yes, Your Honor.

20 THE COURT: Okay. And is that acceptable with both of
21 the Defendants, Mr. Ortiz and Mr. Bueno?

22 DEFENDANT-BUENO: Yes.

23 THE COURT: Yes, sir.

24 DEFENDANT-ORTIZ: Yes, sir.

25 THE COURT: Okay. Thank you. Both of you are

1 excused.

2 MR. RODRIGUEZ: Thank you, Judge.

3 THE COURT: Let's go back to Mr. Morales. Mr. Calhoun
4 is your lawyer, as I recall?

5 MR. CALHOUN: That is correct.

6 THE COURT: Your lawyer is sticking with you, guy.
7 Let's go ahead, Mr. Gallegos.

8 MR. GALLEGOS: The Government would show that on
9 October 20th, 2007, Jaime Leonel Morales-Espinoza applied for
10 entry into the United States at the Ysleta Port of Entry, which
11 is located in the Western District of Texas. Morales was the
12 driver and sole occupant of a 1989 Mercury Grand Marquis. At
13 primary, Morales exhibited signs of nervousness.

14 In secondary, a narcotic detector dog alerted to the
15 fuel tank. Subsequent inspection revealed nonfactory
16 compartments behind the fuel tank and inside the trunk, which
17 contained 53 bundles of a green, leafy substance that field
18 tested positive for the properties of marijuana. The total net
19 weight of the marijuana was 22.66 kilograms.

20 After being advised of his Miranda rights, Morales
21 requested an attorney.

22 Mr. Morales now admits to knowingly and intentionally
23 participating in this smuggling venture.

24 THE COURT: Do you agree with that information,
25 Mr. Morales?

1 DEFENDANT-MORALES: Yes, sir.

2 THE COURT: You stand charged in Count 1 of the
3 Indictment with the importation of marijuana into the
4 United States on or about October 20th of 2007.

5 To that charge do you plead guilty or do you plead not
6 guilty?

7 DEFENDANT-MORALES: Guilty.

8 THE COURT: You stand charged in Count 2 of the
9 Indictment with the crime of possession of marijuana with the
10 intent to distribute on or about October 20th of 2007.

11 To that charge do you plead guilty or not guilty?

12 DEFENDANT-MORALES: Yes, sir, guilty.

13 THE COURT: And, Mr. Morales, what sum of money, if
14 any, were you promised if you transported it successfully?

15 DEFENDANT-MORALES: \$150.

16 THE COURT: Okay. Thank you. And I'll be back with
17 you in just a little bit.

18 Let's go ahead with Mr. Delgado's case, please.

19 MR. GALLEGOS: The Government would show that on
20 October 2nd, 2007, Mario Delgado-Martinez entered the
21 United States at the Bridge of the Americas Port of Entry,
22 which is located in the Western District of Texas. Delgado was
23 the driver and sole occupant of a 1996 Pontiac Grand Prix.

24 At primary, Delgado exhibited signs of nervousness.

25 In secondary, a nonfactory compartment within the fuel

1 tank was discovered containing tape-wrapped bundles. The
2 bundles contained a green, leafy substance which field tested
3 positive for marijuana. A total of 63 bundles were removed.
4 The total net weight of the marijuana was 37.96 kilograms.

5 After waiving his Miranda rights, Delgado explained
6 that he was asked to take a vehicle to pick up a fuel pump in
7 El Paso, for which he would be paid 40 to \$50.

8 Delgado admitted and now affirms that he suspected the
9 vehicle he was driving was possibly loaded with some type of
10 contraband and believed it to be either marijuana or cocaine.

11 THE COURT: And, Mr. Delgado, do you agree with that
12 information?

13 DEFENDANT-DELGADO: Yes.

14 THE COURT: Mr. Delgado, you stand charged in Count 1
15 of the Indictment with importing marijuana into the
16 United States on or about October 2nd of 2007.

17 To that charge do you wish to plead guilty or do you
18 wish to plead not guilty?

19 DEFENDANT-DELGADO: Guilty.

20 THE COURT: And I'll be back with you in just a little
21 bit.

22 Let's go ahead with Mr. Ortiz' case, please.

23 MR. GALLEGOS: The Government would show that on July
24 20th, 2007, Rey Ortiz applied for entry into the United States
25 at the Ysleta Port of Entry, which is located in the Western

1 District of Texas. Ortiz was the driver and sole occupant of a
2 1982 Ford F-150 pickup. The back of the pickup was laden with
3 various pieces of wood furniture.

4 At primary, Ortiz exhibited signs of nervousness. A
5 narcotic detector dog subsequently alerted to the furniture.

6 Upon further inspection of the vehicle, a CBPO
7 discovered compartments located in the furniture in the back of
8 the vehicle. Inside the compartments a CBPO found 226 bundles
9 wrapped in tape. One bundle was probed, and a green, leafy
10 substance was extracted which field tested positive for
11 marijuana. The total net weight of the marijuana was 97.81
12 kilograms.

13 After waiving his Miranda rights, Ortiz admitted that
14 he was aware that the vehicle he was driving was loaded with
15 marijuana.

16 Ortiz was to receive \$500 for driving the vehicle to
17 Socorro, Texas, and leave it in his boss' driveway.

18 THE COURT: And, Mr. Ortiz, do you agree with that
19 information, sir?

20 DEFENDANT-ORTIZ: Yes, sir.

21 THE COURT: Sir, you stand charged with the crime of
22 importing marijuana into the United States, which weighed 50
23 kilograms or more, on or about July 20th, 2007.

24 To that charge, at this time, do you wish to plead
25 guilty or do you wish to plead not guilty?

1 DEFENDANT-ORTIZ: Yes, sir, I'm guilty.

2 THE COURT: Okay. And I'll be back on your case in
3 just a little bit.

4 Let's go ahead with Mr. Bueno's case, please.

5 MR. GALLEGOS: The Government would show that on
6 October 16th, 2007, Jose Armando Bueno-Cruz was waiting to
7 enter the United States at the Paso del Norte Port of Entry,
8 which is located in the Western District of Texas. Bueno was
9 the driver and sole occupant of a 1999 Ford Windstar.

10 During pre-primary roving canine operations, a
11 narcotic detector dog alerted to the vehicle. Bueno exhibited
12 signs of nervousness.

13 The CBPO noticed that the floor of the van had been
14 tampered with. The CBPO then lifted the rug and discovered a
15 trapdoor to a nonfactory compartment in the floor. The
16 trapdoor was opened, and tape-wrapped bundles were discovered.
17 Subsequent inspection revealed 339 taped and plastic-wrapped
18 bundles concealed in the vehicle. One bundle was probed, and a
19 green, leafy substance was extracted that field tested positive
20 for marijuana. The total net weight of the marijuana was
21 142.93 kilograms.

22 After waiving his Miranda rights, Bueno explained that
23 Armando offered him \$1,000 to drive a vehicle to El Paso.
24 Bueno stated that he was supposed to drive to the area of Vista
25 Del Sol and George Dieter and call someone named Memo. Bueno

1 stated that he thought the van had drugs in it because of the
2 amount of money he was going to be paid.

3 THE COURT: And, Mr. Bueno, do you agree with that
4 information, sir?

5 DEFENDANT-BUENO: Yes.

6 THE COURT: Mr. Bueno, you stand charged in Count 1 of
7 the Indictment with importing marijuana into the United States
8 on or about October 16th of 2007, which weight was 100
9 kilograms or more.

10 To that charge do you wish to plead guilty or not
11 guilty?

12 DEFENDANT-BUENO: Guilty.

13 THE COURT: And I'll be back with you in just a little
14 bit.

15 Let's go ahead with Mr. Castillo's case, please.

16 MR. GALLEGOS: The Government would show that in March
17 2006 a source of information provided DEA with information that
18 Robert Carlos Villarreal was trafficking in multi-kilo
19 quantities of cocaine out of El Paso.

20 In May of 2006, the DEA learned that Villarreal used a
21 particular phone number to discuss narcotic-related matters.

22 On February 2nd, 2007, a Court-authorized Title III
23 intercept of Villarreal's phone was initiated.

24 On March 1st, 2007, intercepted calls revealed a
25 meeting between Villarreal and Raul Vivar-Villarreal at the

1 Petro Truck Stop. During this time, Villarreal was actively
2 looking for drivers of narcotic loads, and had used the same --
3 strike that -- and had discussed the same with Vivar, his
4 cousin, with whom he had transported drugs in the past. Vivar
5 suggested that his brother, Lorenzo Vivar, referred to as L.
6 Vivar, could transport the load.

7 On March 6th, 2007, Villarreal, Humberto
8 Padillo-Nunez -- strike that -- Humberto Padilla-Nunez, also
9 known as Gordo, and Vivar, had numerous conversations regarding
10 the delivery of a cocaine load to Atlanta.

11 Agents conducted surveillance on a meeting Villarreal,
12 Nunez, and Juarez had at the Ram Tire, and then at the Circle K
13 on Alameda, in El Paso, Texas.

14 Agents observed the driver of an F-150 transfer boxes
15 to an orange tractor-trailer parked next to a Simon's
16 tractor-trailer. Both tractor-trailers traveled east of
17 El Paso. Villarreal was observed following the Simon's
18 tractor-trailer. Agents observed Vivar and Villarreal meet at
19 the Petro Truck Stop in Horizon, Texas.

20 Subsequently, L. Vivar and Cesar Castillo were
21 observed entering the tractor-trailer at the Petro. L. Vivar
22 and Castillo were taken to the Petro to transport the load.
23 And, en route, the terms of their payment were discussed.

24 L. Vivar and Castillo were encountered at the
25 Sierra Blanca checkpoint in the Western District of Texas

1 during their trip. Narcotics were not discovered at that time.

2 During the trip, L. Vivar called Raul Vivar to tell
3 him that he and Castillo had been searched at the checkpoint
4 but made it through, since the dog did not find anything.

5 On March 7th, 2007, L. Vivar and Castillo were stopped
6 by -- stopped in Kaufman County, Texas. The trailer was then
7 found to have 49 kilograms of a substance testing positive for
8 cocaine hidden within the pallets of the legitimate load. The
9 tractor was found to have approximately \$13,000 hidden within
10 the door panels.

11 On March 7th, 2007, Villarreal was talking to Nunez
12 regarding the apprehension of L. Vivar and Castillo.
13 Villarreal advised Nunez that they were only caught with the
14 money and not the quote/unquote shit, because the shit was
15 still hidden within the pallets.

16 Vivar had learned this from calls from L. Vivar and
17 conveyed it to Villarreal. The narcotics were actually found
18 within the pallets.

19 Nunez told Vivar and Villarreal that the money found
20 in the tractor's panels were left over from a previous seizure.

21 One week later, Juarez, Villarreal, L. Vivar, and
22 Castillo were observed meeting together in El Paso at a local
23 El Paso attorney's office and then at a restaurant.

24 Castillo now admits that he was involved in a
25 conspiracy to possess with the intent to distribute cocaine on

1 the dates set forth in the Indictment.

2 Castillo admits that he agreed to transport the
3 49-kilo load for a fee, and that he was recruited by L. Vivar
4 to assist him in the transportation for the smuggling venture.

5 Castillo admits that the conspiracy involved more than
6 5 kilograms of cocaine.

7 THE COURT: Mr. Castillo, do you agree with that
8 information, sir?

9 DEFENDANT-CASTILLO: Yes, sir.

10 THE COURT: Mr. Castillo, you stand charged in Count 2
11 of the Indictment in the case with the crime of possession of
12 cocaine with a weight of 5 kilograms or more, and with an
13 intent to distribute that substance.

14 To that charge, alleged to have taken place sometime
15 between March 6th of 2007 and March 8th of 2007, do you wish to
16 enter a plea of guilty or not guilty?

17 DEFENDANT-CASTILLO: Guilty, sir.

18 THE COURT: Okay.

19 In each of the cases the Court, based upon the plea
20 that you entered, is going to make a finding that the plea that
21 you have entered today -- well, first, that you are capable and
22 competent of entering a plea; that you are aware of the nature
23 of the charges and the consequences of the plea; and that the
24 plea of guilty that you have entered today is a plea that has
25 been entered into freely and voluntarily and knowingly, and I

1 will also accept your plea.

2 I'll find you guilty of the crime to which you have
3 entered the plea, and enter a judgment of guilty. The Court
4 concludes that there is an independent basis in fact that
5 supports each of the essential elements of the offense.

6 And the next time we will visit will be on Tuesday,
7 March 11, 2008, at 8:00 in the morning. And that will be for
8 your sentencing hearing.

9 It is possible that you may be interviewed before that
10 time for the preparation of the report to which I referred
11 during the plea colloquy. If you are interviewed, you are
12 entitled to have your lawyer present at the interview. If you
13 want him or her there, make sure you let him or her know about
14 it, so that they plan to be there.

15 In addition to the information that you provide in the
16 interview, they will get information about you from whatever
17 sources are available. You will have a chance to review the
18 report well before the sentencing hearing. When you have that
19 opportunity, review it carefully. Make sure it is as accurate
20 as possible. If you have concerns about its accuracy, let your
21 lawyer know about that, and they will work to try to resolve
22 any of the concerns that you may have.

23 Have you understood everything that we have done
24 today?

25 Mr. Contreras?

1 DEFENDANT-CONTRERAS: Yes, sir.

2 THE COURT: Mr. Morales?

3 DEFENDANT-MORALES: Yes.

4 THE COURT: Mr. Delgado?

5 DEFENDANT-DELGADO: Yes.

6 THE COURT: Mr. Ortiz?

7 DEFENDANT-ORTIZ: Yes, sir.

8 THE COURT: Mr. Bueno?

9 DEFENDANT-BUENO: Yes, sir.

10 THE COURT: Mr. Castillo?

11 DEFENDANT-CASTILLO: Yes, sir.

12 THE COURT: Do you have any questions for me right

13 now?

14 Mr. Castillo?

15 DEFENDANT-CASTILLO: No, sir.

16 THE COURT: Mr. Bueno?

17 DEFENDANT-BUENO: No.

18 THE COURT: Mr. Ortiz?

19 DEFENDANT-ORTIZ: No, sir.

20 THE COURT: Mr. Delgado?

21 DEFENDANT-DELGADO: No, sir.

22 THE COURT: Mr. Morales?

23 DEFENDANT-MORALES: No, sir.

24 THE COURT: Mr. Contreras?

25 DEFENDANT-CONTRERAS: No, sir.

1 THE COURT: Okay.

2 Mr. Contreras and Mr. Castillo, I'm going to let you
3 stay out on bond. Continue to comply with all the conditions
4 of the bond. Make sure everything is good and clean.

5 We'll see you on March the 11th and, hopefully, do
6 something that makes sense in light of whatever the information
7 is that I have at that time.

8 Anything else from counsel?

9 Mr. Baker?

10 MR. BAKER: No, Your Honor.

11 THE COURT: Ms. Romero-Martinez?

12 MS. ROMERO-MARTINEZ: No, Your Honor.

13 THE COURT: Mr. Calhoun?

14 MR. CALHOUN: No, Your Honor.

15 THE COURT: Ms. Salome-Smith?

16 MS. SALOME-SMITH: No, Your Honor.

17 THE COURT: Mr. Gallegos?

18 MR. GALLEGOS: No, sir.

19 THE COURT: Good luck. We are adjourned. Thanks.

20 (Proceedings concluded.)
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CERTIFICATE

I, Michael P. Nobles, Official Court Reporter in and for the Western District of Texas, Registered Professional Reporter, do hereby certify that I reported the above matter in shorthand, and that I later reduced my shorthand notes to typewritten form, and that the above and foregoing is a true, correct, and complete transcript.

Signed by me this 26th day of August 2008.

/S/MICHAEL P. NOBLES

Official Court Reporter
United States District Court
511 E. San Antonio, Courtroom 2
El Paso, Texas 79901
Certification No. 3218
Expiration Date: 12/31/2008

MICHAEL P. NOBLES, CSR